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December 1, 2022

Via ECF

The Honorable Kimba M. Wood
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **de Lacour, et al. v. Colgate-Palmolive Co., et al., Case No. 1:16-cv-08364-KMW**

Dear Judge Wood:

MEMO ENDORSED

I write on behalf of Plaintiffs Anne de Lacour, Andrea Wright and Loree Moran (“Plaintiffs”) in the above action. Pursuant to Rule 5(B) of Your Honor’s Individual Practices, Plaintiffs respectfully request to file under seal portions of the following documents and exhibits:

- Memorandum of Law in Opposition to Defendant Tom’s of Maine, Inc.’s Motion for Summary Judgment
- Plaintiffs’ Response to Tom’s of Maine, Inc.’s Statement of Material Facts Pursuant to Local Rule 56.1
- Exhibits 6, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 24 to the Declaration of Sarah N. Westcot in Support of Plaintiffs’ Opposition to Defendant Tom’s of Maine, Inc.’s Motion for Summary Judgment
- Memorandum of Law in Opposition to Defendant Colgate-Palmolive Company’s Motion for Summary Judgment
- Plaintiffs’ Response to Colgate-Palmolive Company’s Statement of Material Facts Pursuant to Local Rule 56.1
- Exhibits 2, 4, 5, and 6 to the Declaration of Sarah N. Westcot in Support of Plaintiffs’ Opposition to Defendant Colgate-Palmolive Company’s Motion for Summary Judgment

- Memorandum of Law in Opposition to Defendants' Motion to Exclude Reports and Testimony of Plaintiffs' Experts J. Michael Dennis and Colin B. Weir

The above documents and exhibits contain proprietary information that Defendants Colgate Palmolive Co. and Tom's of Maine Inc. have designated as "confidential," as detailed in Defendants' Letter Motion to Seal. ECF No. 226. The Court recently granted Defendants' Letter Motion to Seal in its entirety. ECF No. 259. Accordingly, Plaintiffs seek to file the above documents and exhibits under seal to avoid public disclosure of information Defendants, and the Court, have deemed sensitive. Plaintiffs have conferred with Defendants regarding this request to seal, and Defendants have not objected to this request.

Pursuant to Rule 5(B) of Your Honor's Individual Practices, Plaintiffs will (a) publicly file the listed documents and exhibits with the proposed redactions, and (b) file under seal a copy of the listed documents and exhibits with the proposed redactions highlighted via the ECF System.

Respectfully submitted,

Sarah N. Westcot

Plaintiffs' request to seal certain portions of documents and exhibits, identified above, and to which Defendants do not object, is hereby GRANTED.

Upon review of the proposed redactions (see ECF Nos. 263, 266, 268, 270, 272, 274, 277), the Court finds that they are narrowly tailored to protect proprietary business information. This information is similar in nature to the information the Court previously determined warranted sealing. (See Order, ECF No. 259.)

Accordingly, the Court concludes that the sensitivity of the information identified above outweighs the presumption of access. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

As with Defendants' redactions, the Court may reconsider its sealing determinations at any time, on notice to the parties, with respect to any and all sealed or redacted portions of Plaintiffs' materials.

SO ORDERED.

Dated: New York, New York
December 12, 2022

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge